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FILED
Clerk
District Court

OCT 11 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA

Plaintiff,

vs.

DAI, XIAO JUN,

Defendant.

Criminal Case No. 05-00022

**DEFENDANT'S MOTION
TO SUPPRESS AND
EXCLUDE EVIDENCE
OBTAINED FROM
ILLEGAL SEARCH &
SEIZURE**

Date: NOV 10 2005

Time: 9:00 AM

Judge: Hon. Alex R. Munson

MOTION TO SUPPRESS AND EXCLUDE EVIDENCE

Pursuant to the Fourth Amendment to the United States Constitution Defendant Dai, Xiao Jun, by and through counsel, Robert Tenorio Torres, moves this court to impose the Exclusionary Rule governing illegal searches and seizures. Mr. Dai moves this Court to suppress and exclude all evidence obtained as a result of the unlawful entry by law enforcement without probable cause, and the

unauthorized search of his apartment unit on June 29, 2005 at about 6 pm, prior to the issuance of a search warrant by this Court on the same date.

This motion is based on grounds that the entry was unlawful and the protective sweep search prior to the issuance of a warrant was conducted without a warrant; was overly broad in scope; and occurred with full knowledge by the Government that a warrant was necessary.

Because the entry and search were illegal, and because the Government knew the search was illegal, Defendant seeks appropriate sanctions from this Court, including, but not limited to, a suppression order. This motion is supported by the Memorandum of Points and Authorities set forth below and incorporated herein, the Declarations and Exhibits appended to this Motion, as well as the other files and papers of record with this court.

Dated this 11th day of October, 2005.



Robert T. Torres
Attorney for Defendant